

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA

CASE NO. 12-6990-6J3

In the Matter of:

ALKESH SHASTRI

Debtor.

/

**MOTION TO PROHIBIT DEBTOR'S USE OF RENTS AND OTHER
CASH COLLATERAL WITHOUT ADEQUATE PROTECTION**

COMES NOW Community Bank of the South ("Bank"), by and through its undersigned attorneys, and files this Motion to prohibit Debtor's use of rents and other cash collateral without adequate protection, and as grounds therefor would state as follows:

1. Prior to this bankruptcy filing, there was pending a foreclosure action in the Circuit Court, Brevard County, Case No. 2005-CA-31796, to foreclose upon real property and real property.
2. Prior to the Chapter 13 filing, the attached Exhibit "A" Order was entered directing that all rents from the real property located at 1110 Garden Street, Titusville, Florida 32796 be paid to the bank.
3. The attached Exhibit "B" UCC filing shows the bank has a lien upon all rents derived from the real property.
4. The real property is rented and used for a convenience store and the tenant is paying rents.
5. Debtor continues to receive rent and use it, without providing the bank with adequate protection as required by 11 U.S.C. 363(e).
6. Under 11 U.S.C. 363(c)(2), Debtor uses the rents without the consent of the bank.

WHEREFORE, it is prayed the Court prohibit Debtor using the rents and other of the bank's cash collateral without paying adequate protection to the bank.

I HEREBY CERTIFY that a true copy of the foregoing with attachments was furnished by United States Mail and/or electronic transmission to Alkesh Shastri, 1045 Cady Circle, Titusville, FL 32780; Neil Buchalter, Esquire, 2395 North Courtenay Parkway, #203, Merritt Island, FL 32953; and Laurie K. Weatherford, Post Office Box 3450, Winter Park, Florida 32790 this 13th day of June, 2012.



RAYMOND J. ROTELLA, OF
KOSTO & ROTELLA, P.A.
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ATTORNEYS FOR Community Bank of the South

IN THE EIGHTEENTH JUDICIAL CIRCUIT COURT IN AND FOR
BREVARD COUNTY, FLORIDA

CASE NUMBER: 05-2011-CA-031796

COMMUNITY BANK OF THE SOUTH,
A FLORIDA PROFIT CORPORATION,

Plaintiff

vs.

ALKESH SHASTRI AND HINA SHASTRI, HUSBAND AND WIFE; ANY AND ALL KNOWN AND UNKNOWN SPOUSES, HEIRS, DEVISEES, GRANTEES, ASSIGNEES, LIENORS, CREDITORS, TRUSTEES AND GRANTORS AND ANY AND ALL OTHER PARTIES CLAIMING AN INTEREST BY, THROUGH, UNDER OR AGAINST, ALKESH SHASTRI AND HINA SHASTRI, HUSBAND AND WIFE; YPC ENTERPRISES, INC., A DISSOLVED CORPORATION; SOUTHEAST PETRO DISTRIBUTORS, INC., A FLORIDA PROFIT CORPORATION; ARCHITECTURAL EXTERIORS, INC., A DISSOLVED CORPORATION; AND UNITED WASTE, INC.

Defendants.

ORDER ON PLAINTIFF'S MOTION FOR ASSIGNMENT OF RENTS

THIS CAUSE having come on before this Court on the 2nd day of April, 2012, on Plaintiff's Motion for Assignment of Rents, it is

ORDERED AND ADJUDGED as follows:

1. That the Assignment of Rents entered into by the Defendants and attached as Exhibit "F" to Plaintiff's Complaint is hereby ENFORCED in favor of Plaintiff.
2. That any and all renters at 1110 Garden Street, Titusville, FL 32796 shall make their monthly payments payable to Community Bank of the South, 277 North Sykes Creek Parkway, Merritt Island, Florida 32953 until further Ordered.

DONE AND ORDERED in Chambers in Viera, Brevard County, Florida, this 2
day of April, 2012.

ORIGINAL SIGNED BY

GEORGE W. MAXWELL III

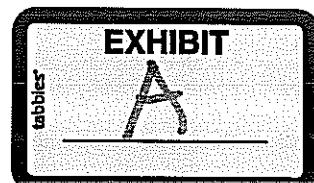
CIRCUIT JUDGE

GEORGE W. MAXWELL III

CIRCUIT COURT JUDGE

Copies to:

Vance, Lotane & Bookhardt, P.A., 1980 Michigan Avenue, Cocoa, FL 32922
Neil J. Buchalter, Esquire, 2395 N. Courtenay Parkway, Suite 203, Merritt Island, FL 32953



**STATE OF FLORIDA UNIFORM COMMERCIAL CODE
FINANCING STATEMENT FORM**

A NAME & DAYTIME PHONE NUMBER OF CONTACT PERSON C Stewart	
<input checked="" type="checkbox"/> SEND ACKNOWLEDGEMENT TO Name Community Bank of the South Address 277 N Sykes Creek Pkwy Address City/State/Zip Merritt Island, FL 32953	

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1 DEBTOR'S EXACT FULL LEGAL NAME - INSERT ONLY ONE DEBTOR NAME (1a OR 1b) - Do Not Abbreviate or Combine Names

1a ORGANIZATION'S NAME			
1b INDIVIDUAL'S LAST NAME SHASTRI	FIRST NAME ALKESH	MIDDLE NAME	SUFFIX
1c MAILING ADDRESS Line One 1045 CADY CIRCLE	This space not available		
MAILING ADDRESS Line Two	CITY TITUSVILLE	STATE FL	POSTAL CODE 32780
1d TAX ID#	REQUIRED ADD'L INFO IF ORGANIZATION DEBTOR	1e TYPE OF ORGANIZATION	1f JURISDICTION OF ORGANIZATION
			1g ORGANIZATIONAL ID# <input type="checkbox"/> NONE

2 ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - INSERT ONLY ONE DEBTOR NAME (2a OR 2b) - Do Not Abbreviate or Combine Names

2a ORGANIZATION'S NAME			
2b INDIVIDUAL'S LAST NAME SHASTRI	FIRST NAME HINA	MIDDLE NAME	SUFFIX
2c MAILING ADDRESS Line One 1045 CADY CIRCLE	This space not available		
MAILING ADDRESS Line Two	CITY TITUSVILLE	STATE FL	POSTAL CODE 32780
2d TAX ID#	REQUIRED ADD'L INFO IF ORGANIZATION DEBTOR	2e TYPE OF ORGANIZATION	2f JURISDICTION OF ORGANIZATION
			2g ORGANIZATIONAL ID# <input type="checkbox"/> NONE

3 SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) - INSERT ONLY ONE SECURED PARTY (3a OR 3b)

3a ORGANIZATION'S NAME COMMUNITY BANK OF THE SOUTH			
3b INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
3c MAILING ADDRESS Line One 277 N SYKES CREEK PKWY	This space not available		
MAILING ADDRESS Line Two	CITY MERRITT ISLAND	STATE FL	POSTAL CODE 32953

4 This FINANCING STATEMENT covers the following collateral

The property covered by this Financing Statement is described on Exhibit "B" attached hereto and is located upon the real property described on Exhibit "A" attached hereto

5 ALTERNATE DESIGNATION (if applicable)	<input type="checkbox"/> LESSEE/LESSOR	<input type="checkbox"/> CONSIGNEE/CONSIGNOR	<input type="checkbox"/> BAILOR/BAILOR
	<input type="checkbox"/> AG LINC	<input type="checkbox"/> NON UCC FILING	<input type="checkbox"/> SELLER/BUYER

6 Florida DOCUMENTARY STAMP TAX - YOU ARE REQUIRED TO CHECK EXACTLY ONE BOX

- All documentary stamp due and payable or to become due and payable pursuant to s 201.22 F S , have been paid
 Florida Documentary Stamp Tax is not required

7 OPTIONAL FILER REFERENCE DATA



Exhibit "A"

Commencing at the Southeast corner of Block 10, of RICES ADDITION TO TITUSVILLE according to the Plat thereof recorded in Plat Book 1, page 6, Public Records of Brevard County, Florida, run thence N 0° 41' 0" W along the East line of said Block 10 a distance of 40 feet to the Point of Beginning of the land described herein (said point being on the North right of way line of Garden Street), continue thence N 0° 41' 0" W along said East line of Block 10 a distance of 141 58 feet to a point on the Southerly right of way line of the Old Dixie Highway (said point being on the arc of a curve concave to the Northeast, having a radius of 2141 98 feet) and run thence Northwesternly along said curve whose cord bears N 60° 06' 22" W 90 21 feet, thence run S 7° 22' 0" W 188 08 feet to a point on the North right of way line of said Garden Street said point being 40 feet North of, when measured at right angles, from the original South line of said Block 10 thence run East along said North right of way line 104 01 feet to the Point of Beginning

Subject to all easements, rights-of-way, restrictions, reservations or conveyances of oil, gas and other minerals and outstanding oil, gas and mineral leases, if any of record

EXHIBIT "B"

This Financing Statement covers the following types and items of property located on or used in conjunction with the Real Property (collectively the Collateral)

- 1 All personal property furnishings equipment and fixtures of every kind and nature whatsoever now or hereafter located on the Real Property or in any buildings or improvements upon the Real Property or any part thereof and used or usable in connection with the construction of or any occupancy of any buildings on the Real Property or the operation of the Real Property and all additions thereto and all substitutions and replacements therefor
- 2 Any and all easements rights-of way gores of land streets ways alleys passages sewer rights air rights water water stock water rights titles interests privileges tenements hereditaments and appurtenances whatsoever in any way belonging relating or appertaining to any of the Real Property or which hereafter shall in any way belong relate or be appurtenant thereto whether now owned or hereafter acquired by the Debtor and the reversion and reversions remainder and remainders rents issues profits thereof, and all of the estate right title interest property possession claim and demand whatsoever at law as well as in equity of the Debtor of in and to the same
- 3 All right title and interest of the Debtor if any in and to the land lying in the bed of any streets roads or avenues opened or proposed in front of or adjoining the Real Property and in and to the appurtenances thereto
- 4 All rents profits issues and revenue of the Real Property and the buildings on the Real Property from time to time accruing whether under leases or tenancies now existing or hereafter created
- 5 All of the Debtor's right title and interest in and to any judgments awards of damages condemnation payments and settlements including interest thereon and the right to receive the same which may be made with respect to the Real Property as a result of the exercise of the right of eminent domain the alteration of the side of any street any other injury or a decrease in the value of the Real Property or proceeds of insurance awards
- 6 All minerals mineral rights and mine products mined or extracted from the Real Property whether stored on the Real Property or elsewhere or in place
- 7 The Debtor's interest in all leases of the Real Property or portions thereof now existing or hereafter entered into by the Debtor and all right title and interest of the Debtor thereunder including without limitation cash or securities deposited thereunder to secure performance by the lessees and vendees of their obligations thereunder, subject however to the terms of the leases pursuant to which such deposits are held
- 8 All accounts receivable of the Debtor however and wherever generated
- 9 All proceeds of the conversion voluntary or involuntary of any of the Collateral (including but not limited to the Collateral described in Section 1 above) described in this Exhibit into cash or liquidated claims, including but not limited to proceeds of insurance and condemnation awards and specifically including the rights to any insurance proceeds arising out of any business interruption or loss of profits awards
- 10 All rights to any permits licenses authorizations and approvals granted to or otherwise held by the Debtor in regard to the Real Property such as but not limited to, all land alteration permits consumptive use permits building permits, certificates of occupancy etc
- 11 All rights of the Debtor to any contracts relating to the Real Property such as but not limited to all equipment leases software licenses service and franchise contracts contracts with any general contractors with regard to improvements constructed or to be constructed on the Real Property engineering contracts architect contracts etc and to any engineering architectural and other plans drawings and specifications developed in connection therewith
- 12 All intangible rights of the Debtor regarding the Real Property such as but not limited to fictitious name(s) used in conjunction therewith all impact fee credits sewer and water fee credits sewer and water rights mining rights and development rights including but not limited to rights regarding concurrency and the right to develop
- 13 All of the Debtor's rights under any payment bonds and/or performance bonds regarding any development, construction or other activity on the Real Property
- 14 All inventory Chattel Paper Accounts Equipment and General Intangibles whether any of the foregoing is owned now or acquired later all accessions additions replacements and substitutions relating to any of the foregoing all records of any kind relating to any of the foregoing all proceeds relating to any of the foregoing (including insurance general intangibles and other accounts proceeds)

As used in this Schedule the term include is for illustrative purposes only and is always without limitation